

RULES PERTAINING TO THE PRACTICE OF VETERINARY MEDICINE

TEXAS ADMINISTRATIVE CODE
TITLE 22, PART 24
CHAPTER 577



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

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CHAPTER 577 GENERAL ADMINISTRATIVE DUTIES

SUBCHAPTER A – BOARD MEMBERS AND MEETINGS—DUTIES

RULE §577.1 Officers

The officers of the Board shall be a president, a vice president, and a secretary. The president is appointed by the Governor. The vice-president and secretary are elected by the Board members at the first meeting of each fiscal year; take office immediately after the close of such meeting; serve for one year; and may be re-elected.

Source Note: The provisions of this §577.1 adopted to be effective January 1, 1976; amended to be effective March 22, 1988, 13 TexReg 1191; amended to be effective July 19, 2007, 32 TexReg 4398

RULE §577.2 Meetings

- (a) The president shall preside at meetings of the Board. In his absence, the vice-president shall preside. In the absence of both the Board president and vice-president, the secretary shall preside.
- (b) The Board shall hold a minimum of two regular meetings each year for the purpose of conducting Board business. Other meetings may be held on the call of the President or upon petition to the President of two or more Board members. The Board may hold meetings by telephone conference call or video conference call provided that the requirements of the Government Code, §551.125 and/or §551.127, are met.
- (c) An agenda for each board meeting shall be posted in accordance with law and copies shall be sent to the board members.
- (d) Board and committee meetings shall be conducted pursuant to the provisions of Robert's Rules of Order Newly Revised unless the board by rule adopts a different procedure.
- (e) Meetings of the board are open to the public unless such meetings are conducted in executive session pursuant to state law.
- (f) In order that board meetings may be conducted safely, efficiently, and with decorum, attendees may not engage in disruptive activity that interferes with board proceedings.
- (g) Members of the public shall not address or question board members during meetings unless recognized by the board's presiding officer pursuant to a published agenda item.
- (h) Journalists have the same right of access to board meetings conducted in open session as other members of the public and are subject to the same requirements.
- (i) The board's presiding officer may exclude from a meeting any person who, after being duly warned, persists in disruptive activity that interferes with board proceedings.
- (j) Five members of the Board shall constitute a quorum and all members shall have a vote on all matters except where a Board member may be recused from voting for good cause. Decisions must be made by affirmative vote of a majority of the members present and voting.
- (k) Recording of meetings

(1) A person may record all or part of the proceedings of a public Board meeting by means of a tape recorder, video camera, or other means of audio or visual reproduction.

(2) In order to minimize disruption of the normal order of Board business, the executive director or Board president may direct any individual wishing to record or videotape the meeting as to equipment location, placement, and the manner in which the recording is conducted.

(l) Executive Session.

(1) The board may meet in executive session pursuant to law.

(2) An executive session of the board shall not be held unless a quorum of the board has first been convened in open meeting. If during such open meeting, a motion is passed by the board to hold an executive session, the presiding officer shall publicly announce that an executive session will be held.

(3) The presiding officer of the board shall announce the date and time at the beginning and end of the executive session.

(4) A certified agenda of the executive session shall be prepared.

Source Note: The provisions of this §577.2 adopted to be effective January 1, 1976; amended to be effective March 22, 1988, 13 TexReg 1191; amended to be effective November 4, 1994, 19 TexReg 8448; amended to be effective August 20, 1996, 21 TexReg 7533; amended to be effective March 22, 2005, 30 TexReg 1634; amended to be effective July 17, 2006, 31 TexReg 5621; amended to be effective April 28, 2010, 35 TexReg 3283; amended to be effective October 20, 2010, 35 TexReg 9286

RULE §577.3 Compensation

Board members shall receive reimbursement at the statutory per diem rate for each day actually engaged in official Board duties. Reimbursement for travel expenses shall be made in accordance with amounts established by state law. Official duties include preparation and review of examinations, attendance at official Board meetings, other meetings as directed by the President of the Board, or meetings required by statute or Board rule. Official duties also include the time spent in direct travel to and from the location of Board duties.

Source Note: The provisions of this §577.3 adopted to be effective January 1, 1976; amended to be effective August 20, 1996, 21 TexReg 7533.

RULE §577.5 Committees of the Board

(a) Standing and Permanent Committees. The following are standing and permanent committees of the Board, established pursuant to Occupations Code, Chapter 801. The responsibilities and authority of these committees include those duties and powers set forth below and any other responsibilities delegated by the Board.

(1) Executive Committee.

(A) Membership. The Executive Committee shall be comprised of the Board president, vice president, and secretary. The Board president shall annually appoint members of the Board to serve as the Board vice president and secretary. The Board president shall serve as the chair of the Executive Committee.

- (B) Responsibilities and Authority. The Executive Committee shall have the responsibility and authority to:
- (i) study and make recommendations to the Board regarding future Board goals and objectives and the establishment of priorities;
 - (ii) study and make recommendations to the Board regarding methods to improve the efficiency and effectiveness of the administration of the Board;
 - (iii) review and evaluate Board rules regarding the Board's general administrative duties, or any Board function the committee determines needs consideration, study and recommend changes and additions to such rules;
 - (iv) assist in the preparation and presentation of information concerning the Board to the Legislature and other state officials;
 - (v) take action on matters of urgency that arise between Board meetings;
 - (vi) conduct temporary license suspension proceedings pursuant to Occupations Code §801.409 and §575.35 of this title;
 - (vii) study and make recommendations to the Board regarding the division of responsibilities between the Board and Board staff pursuant to Occupations Code §801.104;
 - (viii) conduct an annual performance evaluation of the Executive Director, report findings and make employment recommendations to the Board; and
 - (ix) in the event of a vacancy in the Executive Director position, oversee the hiring process, conduct interviews, and make employment recommendations to the Board.

(2) Enforcement Committee.

- (A) Membership. The Enforcement Committee shall be comprised of two veterinary Board members and the Board's three public members. The Board president shall annually appoint members of the Board to serve on the Enforcement Committee. The Board president shall appoint the chair of the Enforcement Committee.
- (B) Responsibilities and Authority. The Enforcement Committee shall have the responsibility and authority to:
- (i) oversee the Board's enforcement and disciplinary process;
 - (ii) study and make recommendations to the Board regarding future enforcement goals and objectives and the establishment of enforcement priorities;
 - (iii) study and make recommendations to the Board regarding methods to improve the efficiency and effectiveness of the administration of the Board's enforcement and disciplinary process;
 - (iv) review and evaluate Board rules regarding the enforcement and disciplinary process, study and recommend changes and additions to such rules;

- (v) conduct informal conferences pursuant to Occupations Code §801.408 and §575.29 of this title;
- (vi) conduct proceedings related to requests for reinstatement of a license pursuant to §575.22 of this title;
- (vii) conduct proceedings related to requests for modification and termination of agreed orders and disciplinary orders pursuant to §575.38 of this title; and
- (viii) conduct informal conferences in cease and desist proceedings pursuant to §575.40 of this title.

(3) Licensing Committee.

- (A) Membership. The Licensing Committee shall be comprised of one veterinary Board member, the Board's LVT member, and one public Board member. The Board president shall annually appoint members of the Board to serve on the Licensing Committee. The Board president shall appoint the chair of the Licensing Committee.
- (B) Responsibilities and Authority. The Licensing Committee shall have the responsibility and authority to:
 - (i) oversee the Board's licensing process;
 - (ii) study and make recommendations to the Board regarding future licensing goals and objectives and the establishment of licensing priorities;
 - (iii) study and make recommendations to the Board regarding methods to improve the efficiency and effectiveness of the administration of the Board's licensing process;
 - (iv) review and evaluate Board rules regarding the licensing process, study and recommend changes and additions to such rules;
 - (v) in coordination with the Finance Committee, review and evaluate Board rules regarding the Board's fee schedule, study and recommend changes and additions to such rules;
 - (vi) approve acceptable methods of earning continuing education hours pursuant to §573.65 of this title;
 - (vii) conduct proceedings relating to licensure eligibility pursuant to §575.20 of this title;
 - (viii) review and evaluate examinations administered by the Board and recommend changes to examination questions and administration; and
 - (ix) maintain communication with Texas veterinary schools, Veterinary Technician Programs, and EDP certifications programs.

(4) Finance Committee.

- (A) Membership. The Finance Committee shall be comprised of three Board members, with at least one veterinary Board member and one non-veterinary Board member. The Board president shall annually appoint members of the Board to serve on the Finance Committee. The Board president shall appoint the chair of the Finance Committee.

- (B) Responsibilities and Authority. The Finance Committee shall have the responsibility and authority to:
 - (i) oversee the Board's budget and finances;
 - (ii) study and make recommendations to the Board regarding future budget and finance goals and objectives and the establishment of budget and finance priorities;
 - (iii) study and make recommendations to the Board regarding methods to improve the efficiency and effectiveness of the administration of the Board's budget and finances;
 - (iv) review staff reports regarding the Board's budget and finances;
 - (v) in coordination with the Licensing Committee, review and evaluate Board rules regarding the Board's fee schedule, study and recommend changes and additions to such rules; and
 - (vi) assist in the preparation and presentation of information concerning the Board's budget and finances to the Legislature and other state officials.
- (b) Advisory Committees. The following are advisory committees of the Board, established pursuant to Chapter 801, Occupations Code. The responsibilities and authority of these committees include those set forth below and any other responsibilities and authority provided by law or delegated by the Board.
 - (1) Equine Dental Provider Advisory Committee.
 - (A) Membership. The Equine Dental Provider (EDP) Advisory Committee shall be comprised of three members. The Board president shall make appointments pursuant to Occupations Code §§801.552 and 801.553. The Board president shall biennially designate a presiding officer of the EDP Advisory Committee pursuant to Occupations Code §801.555
 - (B) Responsibilities and Authority. The EDP Advisory Committee shall have the responsibilities and authority provided by law, including the responsibility and authority to:
 - (i) advise and assist the Board in adopting rules related to licensed equine dental providers; and
 - (ii) consult with the Board regarding matters relating to a disciplinary action that involves a licensed equine dental provider.
 - (2) Licensed Veterinary Technician Advisory Committee.
 - (A) Membership. The Licensed Veterinary Technician (LVT) Advisory Committee shall be comprised of six members, with at least two licensed veterinary technician members, one veterinarian member, and one public member. The Board president shall annually appoint members to the committee. The Board may amend committee membership as needed. The LVT Advisory Committee shall select a chair from among its members.
 - (B) Responsibilities and Authority. The LVT Advisory Committee shall provide independent expertise on Board functions and policies concerning LVTs, but may not be involved in setting Board policy. The LVT Advisory Committee shall have the responsibility and authority to:

- (i) advise and assist the Board in adopting rules related to licensed veterinary technicians;
 - (ii) consult with the Board regarding matters relating to a disciplinary action that involves a licensed veterinary technician;
 - (iii) solicit public input on issues addressed by the committee through public testimony, facsimile, telephone, mail, electronic mail, online message board, or any other reasonable means; and
 - (iv) through the chair of the committee or by written statement, report the findings and recommendations of the committee to the Board at a Board meeting held pursuant to Chapter 551, Government Code.
 - (C) Meetings. Meetings of the LVT Advisory Committee shall be held pursuant to Chapter 551, Government Code. A meeting may be held by telephone conference call.
 - (D) Annual Evaluation. The Board shall annually evaluate the committee's work and usefulness, and the costs related to the committee's existence.
- (c) Ad Hoc Committees
- (1) The Board may establish ad hoc committees of Board members to address a specific subject or accomplish a specific task. At the time the Board establishes an ad hoc committee, the Board must clearly designate the subject to be addressed or the task to be accomplished.
 - (2) Each ad hoc committee established by the Board shall expire upon the completion of the specific task for which the ad hoc committee was established, or upon the first anniversary of the date the committee was established, whichever occurs earlier. The Board may vote to continue an ad hoc committee beyond its expiration date if necessary to address the specific subject or accomplish the specific task for which it was established.
 - (3) The Board president shall appoint members of the Board to serve on each ad hoc committee and shall designate a chair for each ad hoc committee. Each ad hoc committee established by the Board shall have at least one veterinary Board member and one non-veterinary Board member.

Source Note: *The provisions of this §577.5, titled "Advisory Committees," adopted to be effective May 4, 2014, 39 TexReg 3431; amended to be effective November 23, 2016, 41 TexReg 9137; repealed, effective November 12, 2017 42 TexReg 6184, and replaced with new §577.5, titled "Committees of the Board," adopted to be effective November 12, 2017 42 TexReg 6185.*

SUBCHAPTER B – STAFF

RULE §577.11 Appointments and Fund Disbursements

The president of the board is authorized to appoint a member of the board, the executive director, or designee, to sign each voucher and any other instrument required by state law to be signed by the board for disbursement of funds or other purposes, or both.

Source Note: The provisions of this §577.11 adopted to be effective January 1, 1976; amended to be effective September 30, 1986, 11 TexReg 3969; amended to be effective January 21, 1987, 12 TexReg 68; amended to be effective March 22, 1988, 13 TexReg 1191.

RULE §577.12 Directory of Licensees

Upon request the Board will furnish a complete or partial listing of currently licensed veterinarians, equine dental providers, and licensed veterinary technicians, in printed or electronic format. Costs for the directory will vary depending on the information requested and will be in accordance with the Office of the Attorney General 1 TAC §§70.1 - 70.11 (relating to Cost of Copies of Public Information).

Source Note: The provisions of this §577.12 adopted to be effective January 1, 1976; amended to be effective August 20, 1996, 21 TexReg 7534; amended to be effective April 28, 2010, 35 TexReg 3283; amended to be effective May 4, 2014, 39 TexReg 3431

RULE §577.15 Fee Schedule

The Texas Board of Veterinary Medical Examiners has established the following fixed fees as reasonable and necessary for the administration of its functions. Other variable fees exist, including but not limited to costs as described in §575.10 of this title (relating to Costs of Administrative Hearings), and are not included in this schedule.

Figure: 22 TAC §577.15

(a) APPLICATION FOR INITIAL LICENSE

Type of License Application	Total Fee
Veterinary Regular License	\$515
Veterinary Special License	\$575
Veterinary Provisional License	\$600
Veterinary Temporary License	\$200
Equine Dental Provider License	\$100
Veterinary Technician License	\$50

(b) LICENSE RENEWALS.

(1) Current License Renewals

Type Of License	Board Fees
Veterinary Regular License	\$195.00
Veterinary Special License	\$209.00
Veterinary Inactive License	\$109.00
Equine Dental Provider License	\$83.00
Equine Dental Provider Inactive License	\$56
Veterinary Technician Regular License	\$50.00
Veterinary Technician Inactive License	\$26

(2) Expired License Renewals – Less Than 90 Days Delinquent

Type Of License	Board Fees
Veterinary Regular License	\$280.00
Veterinary Special License	\$296.50
Veterinary Inactive License	\$160.00
Equine Dental Provider License	\$124.00
Equine Dental Provider Inactive License	\$81.50
Veterinary Technician Regular License	\$75.00
Veterinary Technician Inactive License	\$36.50

(3) Expired License Renewals – Greater Than 90 Days and Less Than 1 Year Delinquent

Type Of License	Board Fees
Veterinary Regular License	\$364.00
Veterinary Special License	\$384.00
Veterinary Inactive License	\$211.00
Equine Dental Provider License	\$164.00
Equine Dental Provider Inactive License	\$107
Veterinary Technician Regular License	\$99.00
Veterinary Technician Inactive License	\$47

(c) SPECIALIZED LICENSE CATEGORIES

Type Of License	Total Fee
Veterinary Reinstatement	\$250
Veterinary Re-Activation	\$150
Equine Dental Provider Re-Activation	\$25
Veterinary Technician Re-Activation	\$25

(d) OTHER FIXED FEES AND CHARGES

- (1) Criminal History Evaluation Letter: \$32
- (2) Returned Check Fee: \$25
- (3) Duplication of License: \$40
- (4) Letter of Good Standing: \$25
- (5) Continuing Education Approval Review Process: \$25
- (6) Continuing Education Approval Review submitted less than 30 days prior to the continuing education event: \$50
- (7) Equine Dental Certification approval review process: \$1,500

Source Note: The provisions of this §577.15 adopted to be effective November 17, 1993, 18 TexReg 8203; amended to be effective April 6, 1995, 20 TexReg 2217; amended to be effective September 6, 1995, 20 TexReg 6409; amended to be effective November 12, 1996, 21 TexReg 10814; amended to be effective November 6, 1997, 22 TexReg 10661; amended to be effective October 25, 1998, 23 TexReg 10869; amended to be effective November 7, 1999, 24 TexReg 9612; amended to be effective July 4, 2000, 25 TexReg 6325; amended to be effective November 5, 2000, 25 TexReg 10742; amended to be effective November 19, 2001, 26 TexReg 9386; amended to be effective November 24, 2002, 27 TexReg 10924; amended to be effective November 11, 2003, 28 TexReg 9834; amended to be effective November 8, 2005, 30 TexReg 7227; amended to be effective November 6, 2006, 31 TexReg 9033; amended to be effective November 25, 2007, 32 TexReg 8314; amended to be effective November 22, 2009, 34 TexReg 8038; amended to be effective August 1, 2010, 35 TexReg 6539; amended to be effective May 29, 2011, 36 TexReg 3192; amended to be effective November 20, 2011, 36 TexReg 7668; amended to be effective December 16, 2012, 37 TexReg 9774; amended to be effective December 23, 2013, 38 TexReg 9367; amended to be effective September 3, 2014, 39 TexReg 6860; amended to be effective December 23, 2014, 39 TexReg 10020; amended to be effective November 22, 2015, 40 TexReg 8031; amended to be effective August 22, 2016, 41 TexReg 6205; amended to be effective November 16, 2016, 41 TexReg 9018; amended to be effective January 1, 2018 42 TexReg (December 22, 2017 issue of the Texas Register).

RULE §577.16 Responsibilities of Board and Staff

- (a) The Texas Board of Veterinary Medical Examiners is responsible for establishing policies and promulgating rules to establish and maintain a high standard of integrity, skills, and practice in the professions of veterinarians, licensed veterinary technicians, and equine dental providers in accordance with the Veterinary Licensing Act.
- (b) The board may employ an executive director to be responsible for administering policies, rules, and directives as set by the board.

Source Note: The provisions of this §577.16 adopted to be effective November 9, 1993, 18 TexReg 7474; amended to be effective August 26, 2012, 37 TexReg 6313; amended to be effective May 4, 2014, 39 TexReg 3432

RULE §577.18 Historically Underutilized Businesses

In accordance with Texas Government Code §2161.003, the Board adopts by reference the rules of the Comptroller of Public Accounts in 34 TAC Part 1, Chapter 20, Subchapter B (relating to the Historically Underutilized Business Program).

Source Note: The provisions of this §577.18 adopted to be effective November 23, 2016, 41 TexReg 9137

RULE §577.20 Employee Education and Training

- (a) The board may use state funds to provide education and training for its employees in accordance with the State Employees Training Act (Texas Government Code, §§656.041 - 656.104). To be eligible for training and education supported by the board, an employee must:
 - (1) remain employed by the board for the duration of the training or education;
 - (2) receive approval for the training or education from the employee's supervisor; and
 - (3) accept the obligation to successfully complete the education or training program.
- (b) The education or training shall be related to the employee's current position or prospective job duties at the board.
- (c) The board's education and training program benefits both the board and the employees participating by:
 - (1) preparing for technological and legal developments;
 - (2) increasing work capabilities;

- (3) increasing the number of qualified employees in areas for which the board has difficulty in recruiting and retaining employees; and
- (4) increasing the competence of agency employees.
- (d) Board employees may be required to complete an education or training program related to the employee's duties or prospective duties as a condition of employment.
- (e) Participation in an education or training program requires the appropriate level of approval prior to participation and is subject to the availability of funds within the agency's budget.
- (f) The employee education and training program for the board may include:
 - (1) mandatory agency-sponsored training required for all employees;
 - (2) education relating to technical or professional certifications and licenses;
 - (3) education and training relating to the promotion of employee development;
 - (4) employee-funded external education;
 - (5) board-funded external education; and
 - (6) other board-sponsored education and training determined by the board to fulfill the purposes of the State Employees Training Act.
- (g) The board's Human Resources Director is designated as the administrator of the board's education and training program.
- (h) Approval to participate in any portion of the board's education and training program shall not in any way affect an employee's at-will status or constitute a guarantee or indication of continued employment, nor shall it constitute a guarantee or indication of future employment in a current or prospective position.
- (i) Permission to participate in any education and training program may be withdrawn if the board determines, in its sole discretion, that participation would negatively impact the employee's job duties or performance.
- (j) If an employee seeks reimbursement for a training or education program offered by an institution of higher education or private or independent institution of higher education as defined by Texas Education Code §61.003, Education Code, the board may only pay the tuition expenses for a program course successfully completed by the employee at an accredited institution of higher education. Before an employee may be reimbursed for training under this subsection, the Board's Executive Director must authorize the reimbursement.

Source Note: The provisions of this §577.20 adopted to be effective January 18, 2011, 36 TexReg 143; amended to be effective June 14, 2016, 41 TexReg 4259